

Serial No. 10/583,575

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) (10, 13-15, 17, 19) and (21) and (23) and (25), drawn to a monocyclopentadienyl complex of formula (I), catalyst system for olefin polymerization comprising said complex of formula (I), prepolymerized catalyst system comprising said complex of formula (I), a process for preparing polyolefins in the presence of catalyst system comprising said complex of formula (I).

Group II, claim(s) (11, 12, 16, 18, 20), drawn to monocyclopentadienyl complex of formula (V).

Group III, claim(s) 22, drawn to catalyst system for olefin polymerization comprising monocyclopentadienyl complex of formula (V).

Group V, claim(s) 24, drawn to prepolymerized catalyst system comprising monocyclopentadienyl complex of formula (V).

Group VI, claim(s) 26, drawn to a process for preparing polyolefins in the presence of catalyst system comprising said monocyclopentadienyl complex of formula (V).

Subgroups: A: Hetero containing substituents
B: Non-hetero containing substituents

The inventions listed as Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I and Group II are drawn to monocyclopentadienyl complexes that are structurally disparate, which would not suggest to be obvious to one of ordinary skill in the art. Further, prior art that anticipates one group would not necessarily render the

Serial No. 10/583,575

other obvious.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

$C_p, A, Z, M^A, m, X^{1A}, R^{18A} - R^{19A}, R^{20A}, n, R^{4A}, R^{5A}, L^{1A}, D^{1A}, R^{6A} - R^{8A}, R^{9A}, A, E^{1A} - E^{5A}, R^{1A} - R^{4A}, R^{5A}, n, E^{6A} - E^{9A}, R^{13A} - R^{16A}, R^{17A}, p$

Applicant is required, in reply to this action, to elect a single disclosed species to which the claims shall be restricted if no generic claim is finally held to be allowable. For example, if Group I is elected, then a single disclosed compound of formula (I) should be elected, a single disclosed catalyst system should be elected and the reactants for the process should be disclosed, and additionally, either subgroup A or B elected. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP §809.02(a).

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Other than the recitation that the compounds of Group I and Group II are monocyclopentadienyl complexes, the substituents in each of Group I and Group II are structurally variable, rendering properties thereto to be distinct.